IN THE U.S. PATENT AND TRADEMARK OFFICE

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| Re. Application of: **Juha Rasanen** | : | Group Art Unit: **2617** |
| Serial No.: **10/078,250** | : | Examiner: **W. Daniel** |
| Filed: **February 15, 2002** | : | Confirmation Number: **3250** |

For: **METHOD AND APPARATUS FOR PROVIDING A SUPPLEMENTARY CALL SERVICE**

**PRE-APPEAL BRIEF REQUEST FOR REVIEW: ARGUMENTS**

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

Sir:

In response to the final Office Action of 10 December 2007, reconsideration of the rejections is respectfully requested in view of the following remarks that are being filed together with a Notice of Appeal (PTO/SB/31) and a Pre-Appeal Brief Request for Review (PTO/SB/33). These remarks comprise less than six pages total, as required by *USPTO OG Notice 12 July 2005*.

I hereby certify that this correspondence is being deposited today with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450.

Lorraine Kniffin

Dated: April 10, 2008

## REMARKS

Applicant now responds to the final Office Action of 10 December 2008, in which all of the claims are rejected. The independent claims are method claim 1, apparatus claim 22, method claim 31, and apparatus claims 32-34. These independent claims are rejected as obvious from *Backstrom* (US Patent No. 5,903,851) in view of *Sayers* (U.S. Patent No. 6,539,237) and *Rasmussen* (U.S. Patent No. 6,088,600). The present invention involves a supplementary call service, such as putting a call on hold and taking the call off hold.

Applicant respectfully notes that "the prior art reference (or references when combined) must teach or suggest all of the claim limitations." MPEP § 2143. Here, the cited prior art references do not teach or suggest the following elements of present claim 1: "when the call is in a call hold condition, stopping resynchronization attempts towards one of said call parties and stopping a related timer in order to prevent a call failure". Thus, there are two elements here that are not suggested by the references: (A) stopping a related timer when the call is in a call hold condition, in order to prevent a call failure; and (B) stopping resynchronization attempts towards one of the call parties when the call is in a call hold condition.

The final Office Action states at page 5 that element (A) and element (B) are disclosed by *Rasmussen*. Applicant respectfully disagrees.

### *Rasmussen* Does Not Suggest Element (A)

The cited *Rasmussen* reference does not teach or suggest stopping the timer when the call is in a call hold condition. The final Office Action, at page 5, points to column 4, lines 35-63 and also points to column 6, lines 49-53 of *Rasmussen*.

Applicant acknowledges that *Rasmussen* does mention a timer. However, the timer of *Rasmussen* is merely reset, instead of stopped as presently claimed. Additionally, *Rasmussen* discloses that this happen during an active state, instead of during an inactive (i.e. call hold) state as presently claimed.

*Rasmussen* discloses at column 4, lines 55-58 that "During period of data activity, the timer is continually reset upon the receipt of each data byte from transmission and

prevented from expiring." Thus, none of this happens during an inactive condition; even if it were an inactive condition, still there is no suggestion here that the timer is stopped. On the contrary, the timer is merely reset without stopping. If the timer were being stopped, then there would be no need to stop it "continually", because a stopped timer is never in any danger of expiring. Persons of ordinary skill in the art understand that resetting a timer in no way implies or suggests that the timer is stopped.

Even if *Rasmussen* did suggest stopping the timer (which *Rasmussen* does not suggest), *Rasmussen* is only referring at column 4, lines 55-58 to a situation during an active condition. There is no suggestion in *Rasmussen* that the timer is stopped or reset during an inactive condition as presently claimed. The final Office Action points to column 6, lines 49-53 of *Rasmussen*, but those lines do not say anything about a timer, much less about stopping the timer during an inactive condition. Instead, column 6, lines 49-53 of *Rasmussen* are merely referring to a "re-train" during an inactive state that is completely different from the active state when *Rasmussen's* timer is reset.

All of this is clearly shown in FIG. 2 of *Rasmussen*. Column 4, lines 35-63 refer to what happens during step **405** shown in FIG. 2; after step **405,** the device either "remains in an active state" or switches to an inactive state (see column 4, lines 35-38), and thus it is very clear that step **405** shown in FIG. 2 occurs during an active state. In contrast, the "quick re-train" discussed at column 6, lines 38-53 is an additional step that can be inserted while in the "inactive" state shown in FIG. 2. Even if *Rasmussen* showed resetting a timer during an inactive state (which *Rasmussen* does not suggest), still that would be very different from stopping a timer, as presently claimed.

***Rasmussen* Does Not Suggest Element (B)**

The cited *Rasmussen* reference also does not teach or suggest stopping resynchronization attempts towards one of the call parties when the call is in a call hold condition. The final Office Action refers to column 6, lines 11-53 of *Rasmussen,* but Applicant respectfully submits that nothing like the present claimed invention is disclosed or suggested there.

*Rasmussen* merely discloses "re-establishing" synchronization (column 6, lines 13 and 26) which a person of ordinary skill in the art will understand is no indication that

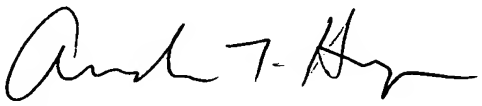
resynchronization attempts were ever stopped. "Re-establishing" synchronization merely signifies a resynchronization attempt, rather than signifying that any stoppage of resynchronization attempts has occurred. And *Rasmussen* discloses that all this happens "in changing from the inactive state" (column 6, line 11).

Additionally, Applicant notes that *Rasmussen* discloses "periodic resynchronization" (see column 6, lines 41-42 and 48). However, periodic resynchronization is very different from the present claimed stoppage of resynchronization attempts. A person of ordinary skill understands that making periodic attempts is the opposite of stopping attempts.

## CONCLUSION

Because the cited references do not teach or suggest all elements of the present independent claims, it is respectfully submitted that those claims are novel and patentable. Thus, allowance of the pending claims is respectfully requested.

Respectfully submitted,



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